IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.5374 of 2006

Date of Decision: 5.12.2007

Darshna Devi ..Petitioner

Vs.

Punjab School Education Board & Ors. ..Respondents

Coram: Hon'ble Mr. Justice Vinod K.Sharma

Present: Mr.K.C.Asht, Advocate,
for the petitioner.

Mr.V.K.Shukla, Advocate,
for respondents No.1 to 3.

Vinod K.Sharma,J. (Oral)

Present revision petition has been filed against the order passed by the learned Additional Civil Judge (Senior Division), Mohali vide which application moved by the petitioner for directing the defendant-respondents to produce record has been dismissed.

The respondent Board terminated the services of the petitioner on the ground that Matriculation Certificate submitted by the petitioner plaintiff at the time of her employment was a fake certificate. Said allegation according to the Board stood proved in the departmental enquiry

held against her. The plaintiff petitioner challenged the said order and in order to prove that in fact the certificate submitted by her was genuine she moved an application to summon the stock register of Matriculation of March/September 1984 Volume 70, (VIII-O) i.e. the register of year/month when the petitioner claimed to have passed Matriculation Examination.

However, the said application was opposed by the defendant-respondents by claiming the register to be a confidential document. In the reply filed claiming privilege the defendant-respondents failed to comply with the provisions of Sections 123 and 124 of the Evidence Act. However, learned Additional Civil Judge (Senior Division) came to the conclusion that as the register sought to be summoned has no bearing on the merits of the case therefore, no ground was made out to summon that register. Though some other documents were also summoned, learned counsel for the petitioner has not challenged the said part of the order vide which her request for production of print order has been declined.

After hearing the learned counsel for the parties, I find that the order passed by the learned Civil Judge (Senior Division) cannot be sustained as the ground taken by the defendant-respondents to contest the application was that the said document was a privilege document. It was not even the case of the defendant-respondents that the document was not relevant to the controversy in issue.

The finding of the learned trial court is not correct inasmuch as the document sought to be produced is the basic document which is necessary to adjudicate upon the issue involved in the suit, i.e. whether the

certificate produced by the petitioner was fake or genuine document. There is hardly any reason to claim the said register to be a privilege document.

However, learned counsel for the parties have agreed that the said register would be produced for inspection for the court and the necessary entries sought to be produced by the plaintiff would be taken note of by the court while deciding the suit.

Accordingly, this revision petition is disposed of with the direction that the respondent-defendants will produce the stock register of Matriculation of March/September 1984 Volume 70, (VIII-O) in a sealed cover before the court and the court will take note of the entries sought to be produced by the plaintiff-petitioner and thereafter dispose of the case in accordance with law. The record be returned to Board after inspection and taking of notes.

Disposed off.

5.12. 2007 **(Vinod K.Sharma)**
rp **Judge**